

From: wvdavid@access.mountain.net@inetgw
To: Microsoft ATR
Date: 1/28/02 2:58pm
Subject: Comment on Microsoft Settlement

Hello,

Attached (better) and below are my comments on the microsoft settlement.

David

McMahon

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January 28, 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530-0001
microsoft.atr@usdoj.gov

Re: Microsoft Settlement.

Dear Ms Hesse,

I am a lawyer for low income people. I am also a ?Consumer Fellow? to the Business Law Section of the American Bar Association. I was an Official Observer on behalf of consumers on the drafting committee of the National Conference of Commissioners on Uniform State Laws that revised Article 9 of the Uniform Commercial Code. I am on the Board of an organization opposing the Uniform Computer Information Transaction Act in the states.

Thank you for the opportunity to comment on the Microsoft settlement. I share generally the opinion of Hon. Darrell McGraw, the Attorney General of my state, the State of West Virginia.

It is my personal position that the settlement between Microsoft and the U.S. Department of Justice is not in the public interest. The settlement does not offer remedies that sufficiently address Microsoft?s

illegal, anticompetitive behavior as a monopoly that puts grabbing market share above the quality of the software it produces. The settlement fails to include critical provisions that will counter Microsoft's monopolistic tactics, and does not contain appropriate and enforceable penalties for non-compliance. Changes to the settlement must be made to address these issues, in order to bring the benefits of competition, choice and innovation to consumers.

Sincerely,

/s/

[Intended as a signature.]

David B. McMahon
DBM/dbm

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